

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re tmm1634

Chapter 13

Anthony J. Salamone

Case No.: 1-18-42797-cec

Debtor.

**AFFIDAVIT IN PARTIAL
OPPOSITION**

-----X
STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss:-

MICHAEL J. MACCO, being duly sworn, deposes and says:

1. I am the Standing Chapter 13 Trustee in the above referenced case and as such am fully and completely familiar with the facts and circumstances involved herein.

2. I submit this Affidavit in Partial Opposition of the motion to modify the Chapter 13 plan.

3. This case was filed on May 15, 2018 and confirmed by the Court on September 20, 2018.

4. The plan paid \$310 for 3 months and \$455 for 57 months for a total of \$26,865.

5. The debtor's new proposed plan is asking for a three month moratorium of payments and then paying the same exact amount of money under the terms of the plan. As of this date the Trustee has yet to receive a copy of the debtor's 2019 tax returns nor the turnover of the 2019 tax refunds.

6. The debtor's plan also does not include an amended Schedule I and J to show the feasibility of giving a three month moratorium.

7. Furthermore, no representation is being made by the debtor that he has not acquired any assets that are not set forth in the schedules, including the possibility of an inheritance or the right to seek damages from third parties, etc.

WHEREFORE, it is respectfully requested that the motion to modify the plan be denied.



MICHAEL J. MACCO

Sworn to before me this
13th day of July, 2020

/s/ Janine M. Zarrilli

Notary Public

Janine M. Zarrilli

Notary Public, State of New York

No. 01ZA5084708

Qualified in Nassau County

Commission Expires September 8, 2021

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss:-

Carol Smith, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age, and resides at West Islip, New York.

On July 13, 2020, deponent served the within **AFFIDAVIT IN PARTIAL OPPOSITION** upon the following parties, at the addresses designated by said parties for that purpose by electronic service or by depositing a true copy of same, enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

*Office U.S. Trustee
Eastern District of New York (Brooklyn Office)
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, New York 10014*

*Btzalel Hirschhorn, Esq.
Shiryak, Bowman, Anderson, et al.
80-02 Kew Gardens Rd., Suite 600
Kew Gardens, NY 11415*

*Anthony J. Salamone
153-26 83rd Street
Howard Beach, NY 11414*



Carol Smith

Sworn to before me this
13th day of July, 2020

/s/ Janine M. Zarrilli
Notary Public
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2021